



13/Election
w/traverse

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: STEINMAN=1B

In re Application of:)	Conf. No.: 5046
)	
Lawrence STEINMAN)	Art Unit: 1617
)	
Appln. No.: 09/719,770)	Examiner: J. Kim
)	
Filed: September 6, 2001)	Washington, D.C.
)	
For: METHOD AND COMPOSITIONS)	April 29, 2003
FOR TREATING DISEASES)	
MEDIATED BY ...)	

Best
5-3-03

RESPONSE

Honorable Commissioner for Patents
Washington, D.C. 20231

Sir:

The present communication is responsive to the Office Action of April 9, 2003, primarily in the nature of a restriction requirement. Claims 1-8, 15, and 16 presently appear in this case. No claims have yet been examined on the merits. All of the claims have been subject to a restriction requirement and an election of species requirement.

The examiner has acknowledged applicant's election with traverse of Group I, claims 1-3, 8, 15 and 16 drawn to a method of treating neurodegenerative disease by administering a transglutaminase inhibitor in Paper No. 11, with claims 1, 15 and 16 being generic. As the restriction requirement part of this Office Action with respect to election of one of

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Groups I, II and III remains unchanged, applicant's election of Group I and applicant's reason for traversal as set forth in the response of January 10, 2003, remain unchanged.

Reconsideration and withdrawal of the restriction requirement and action on all of the claims now present in the case are respectfully urged.

With regard to the election of species requirement, the examiner states that the species of monodansyl cadaverine, cystamine, putrescine, gamma-amino benzoic acid, N-benzyloxy carbonyl, 5-deazo-4-oxonorvaline p-nitrophenylester, glycine methyl ester, CuSO₄, and tolbutamide are not so linked as to form a single general inventive concept under PCT Rule 13.1. This election of species is respectfully traversed because the species are indeed linked in that they are all transglutaminase inhibitors. The elected claims are not compound or product claims in which structural relatedness are considered, but rather are method of use claims where the species are all transglutaminase inhibitors. In order to be responsive, applicant further elects the species of monodansyl cadaverine for examination on the merits. The claim readable on the elected species is claim 8, with claims 1-3, 15 and 16 being generic. It is understood however, that upon allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are

In re of Appln. No. 09/719,770

written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141.

Reconsideration and examination of all of the claims now present in the case are earnestly solicited.

Respectfully submitted,

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By



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Lawrence STEINMAN

Art Unit: 1617

Application No.: 09/719,770

Conf. No.5046

Examiner: J. Kim

Filed: September 6, 2002

Washington, D.C.

For: METHOD AND COMPOSITIONS FOR TREATING DISEASES MEDIATED BY ...

Atty.'s Docket: STEINMAN=1B

Date: April 29, 2003

THE COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Sir:

Transmitted herewith is a ☐ Amendment ☒ Response
in the above-identified application.☒ Small Entity Status: Applicant(s) claim small entity status. See 37 C.F.R. §1.27.☒ No additional fee is required.☐ The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS
TOTAL	*	MINUS	** 20	0
INDEP.	*	MINUS	*** 3	0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

ADDITIONAL FEE TOTAL

SMALL ENTITY	
RATE	ADDITIONAL FEE
x 9	\$
x 42	\$
+ 140	\$
ADDITIONAL FEE TOTAL	
	\$

OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE
x 18	\$
x 84	\$
+ 280	\$
TOTAL	
	\$

OR

OR

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
 ** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.
 *** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

☒ Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

☐ It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity

Response Filed Within

- ☐ First - \$ 55.00
☐ Second - \$ 205.00
☐ Third - \$ 465.00
☐ Fourth - \$ 725.00

Month After Time Period Set

Other Than Small Entity

Response Filed Within

- ☐ First - \$ 110.00
☐ Second - \$ 410.00
☐ Third - \$ 930.00
☐ Fourth - \$ 1450.00

Month After Time Period Set

☐ Less fees (\$) already paid for ___ month(s) extension of time on _____.☐ Please charge my Deposit Account No. 02-4035 in the amount of \$_____.☐ Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$_____.☐ A check in the amount of \$_____ is attached (check no.).

☒ The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

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